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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,866	08/17/2001	Gerard Chauvel	TI-31347	6569

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EXAMINER

KIM, HONG CHONG

ART UNIT PAPER NUMBER

2185

DATE MAILED: 01/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	Application No. 09/932,866	Applicant(s) CHAUVEL ET AL.	
	Examiner Hong C. Kim	Art Unit 2185	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 19 December 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☒ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: 8-11.
 Claim(s) objected to: 3-5.
 Claim(s) rejected: 1,2,6,7 and 12-16.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
 13. ☒ Other: See Continuation Sheet.

Continuation of 3. NOTE: It appears that deleted limitations may raise new issue and would require further consideration and search.

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's argument on pages 8+ that the reference does not disclose two priority values is not considered persuasive.

USP 6,684,280 discloses two priority values (claim 17, and task priority and software priority in claim 18). Specifically, a respective access priority value (1st priority value, see Fig. 4 Ref. 1410) is provided in responsive to respective software priority state of the respective program module, wherein the program module containing a task priority value (2nd priority value, see Fig. 4 Ref. 1412). Lim also discloses two priority values (col. 14 lines 9-12 and col. 15 lines 46 -56, appended processor ID to the priority value reads on this limitation).

Applicant's argument on pages 8+ that the reference does not disclose arbitrating two priority values provided with a single access request is not considered persuasive.

USP 6,684,280 discloses arbitrating two priority values provided with a single access request (claim 17, and task priority and software priority in claim 18).

Lim also discloses arbitrating two priority values provided with a single access request (col. 14 lines 9-12 and col. 15 lines 46 -56, appended processor ID to the priority value reads on this limitation). Specifically, Lim discloses priorities are determined based on respective priority value however, if the value is same between competing processors, processor ID number is used to determine higher priority request (col. 15 lines 30-56), in other words, priority value in combination with processor ID are used to determine higher priority request and arbitrate tasks. This process is similar to the given application (see pages 15-17 or blocks 30-34). Specifically, page 15 or block 30 of this given application discloses that task name and task priority are used to arbitrate tasks, and page 16 or block 31, CPU priority and task priority are used to arbitrate tasks.

Applicant's argument on page 9 that the reference does not disclose variable priority is not considered persuasive.

Lim discloses variable priority (col. 14 lines 9-12 and col. 15 lines 46 -56, appended processor ID to the priority value reads on this limitation since it create new priority value).

Continuation of 13. Other: The objection to the claims 1-7 and 12-16 has been withdrawn because of the amendment..


JONG CHONG KIM
BY EXAMINER